

REMARKS

Reconsideration is requested.

Claims 38, 39, 41-62, 65, 68 and 69 are pending. Claims 1-37, 40, 63, 64, 66 and 67 have been canceled, without prejudice. Claim 69 has been added and reads on non-elected subject matter. No new matter has been added

Rejoinder and allowance of any claim defining a method of making and/or using a product defined by an allowable claim, at an appropriate time, are requested.

Clarification is requested regarding the claims "withdrawn" from consideration. Specifically, page 1 of the Office Action dated August 22, 2008, states that claims 61, 62 and 68 have been withdrawn from consideration. Page 2 of the Office Action states that "Claims 62 and 68 are withdrawn as being drawn to a non-elected Group." Further, page 3 of the Office Action states that "Claims 41, 43, 45, 49-55, 57, 59-62, and 66 are withdrawn as being drawn to a non-examined species."

Claims 38-41, 44, 47, 52-54, 58, 59 and 61-68 read on elected species of compound 29, which has been found free of the art of record.

While a variety of claims have been indicated as being "withdrawn", claims 38-60 and 63-67 have been examined and rejected in § 9. of the Office Action; claims 38-67 have been examined and rejected in § 10. of the Office Action; claims 38-67 have been examined and rejected in § 12. of the Office Action; claims 38-40, 42, 44, 46-48, 56, 58, 63-65 and 67 have been examined and rejected in § 17. of the Office Action; claims 38, 61 and 62 have been examined and provisionally rejected in § 21. of the Office Action;

claims 38, 39, 61 and 62 have been examined and provisionally rejected in § 22. of the Office Action; and claim 38 has been rejected in § 24. of the Office Action.

As claims 62 and 68 are not believed to read on the elected species, which the Examiner has found to be free of the art, the applicants have indicated above the status of claims 62 and 68 as having been withdrawn. Clarification is requested however in the Examiner's next Action as to the claims which have been withdrawn from consideration.

Claims 62 and 68 have been indicated above as having been withdrawn from consideration, even though claim 62 has been rejected in the Office Action of August 22, 2008. Claim 69 has been added. No new matter has been added.

The Examiner's acknowledgement that the elected species has been found free of the art is noted with appreciation. The Examiner has broadened the search to include the additional substituents noted on page 2 of the Office Action.

Further clarification is requested regarding the Examiner's further search however as the Office Action states the "Examiner moved onto the next derivative of formula I, 4'-carboxyethoxy-4-sulphocalchone." The applicants believe however that this compound is not comprised by formula (I). Specifically, as stated by the Examiner, this compound presents $X_4 = \text{SO}_3\text{H}$. The applicants submit that X_4 according to the invention however cannot be such group. According to the invention, X_4 represents an halogen atom, G_4R_4 or R_4 , wherein G_4 is oxygen or sulphur atom and R_4 is a hydrogen atom or an alkyl group substituted or not by a substituent which is part of group 1 or group 2, and group 2 can be SO_3H . From this definition, the applicants do

not understand how X_4 can be SO_3H . Clarification is requested therefore as to whether the Examiner has extended his search to unclaimed compounds.

A new non-final Office Action is requested clarifying the status of the claims, the search and the scope of further examination beyond the elected species to include further claimed subject matter.

The objection to claims 38 and 39 is obviated by the above amendments. Withdrawal of the objections is requested.

To the extent not obviated by the above amendments, the Section 112, first paragraph, rejection of claims 38-60 and 63-67, is traversed. Reconsideration and withdrawal of the rejection are requested in view of the above and the following.

The specification provides an enabling disclosure of the claimed invention. The claims have been revised, without prejudice, to delete the objected-to recitations. Withdrawal of the Section 112, first paragraph, rejection is requested.

The Section 112, second paragraph, rejection of claims 38-67, is obviated by the above amendments. The Examiner's helpful suggestions are acknowledged, with appreciation. Withdrawal of the Section 112, second paragraph, rejection is requested.

To the extent not obviated by the above amendments, the Section 103 rejection of claims 38-40, 42, 44, 46-48, 56, 58, 63-65 and 67 over Vanstone (U.S. Patent No. 4,190,671), is traversed. Reconsideration and withdrawal of the rejection are requested in view of the above and the following distinguishing comments.

Vanstone et al. is understood to teach the use of particular compounds for treating inflammation. The compounds of the cited art are different from the compounds of the claims.

The applicants submit that Vanstone et al. does not belong to the same technical field as the presently claimed invention (i.e. the treatment of a pathology related to deregulations of lipid and/or glucose metabolism). Moreover, the cited art does not teach or suggest or motivate one of ordinary skill in the art to modify the disclosed compounds into compounds of the presently claimed invention, or to treat a pathology related to deregulations of lipid and/or glucose metabolism, e.g. such as: the activation of PPARs, particularly PPAR α , or the decrease of plasma cholesterol and triglyceride concentrations, as described in the present application.

Withdrawal of the Section 103 rejection is requested.

Reconsideration and withdrawal of the provisional Section 101 rejection of claims 38, 61 and 62 over claims 1, 5 and 10 of copending Application No. 11/493,040 is requested as the applicants believe that the claimed inventions are not the same. Specifically, the applicants submit that in the noted claims of the cited copending application, the composition relates to a composition comprising compounds of formula (I) in association with another therapeutically active ingredient. Withdrawal of the provisional Section 101 rejection is requested.

The Examiner is requested to hold the following provisional and actual rejections in abeyance until such time as allowable subject matter is indicated:

NAJIB et al
Appl. No. 10/520,078
Monday, November 24, 2008
Atty. Ref.: 3665-126
AMENDMENT

the provisional Section 101 rejection of claims 38, 39, 61 and 62 over claims 69, 70, 96 and 97 of copending Application No. 10/520,079; and

the rejection of claim 38 under the judicially created doctrine of obviousness-type double patenting over claim 1 of U.S. Patent No. 7,385,082.

The claims are submitted to be in condition for allowance and a Notice or indication to that effect is requested.

Respectfully submitted,

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